

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

BRANDY S. HUGHLEY,

Plaintiff,

v.

WITRON, LLC,

Defendant.

Case No.:

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant Witron, LLC<sup>1</sup> (“Defendant” or “Witron”), by and through counsel, files this Notice of Removal of the above-captioned matter from the State Court of Clayton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division. As grounds for removal, Defendant states as follows:

1. On November 23, 2022, Plaintiff commenced this civil action by filing a Complaint against Defendant Witron, LLC in the State Court of Clayton County, Georgia, Civil Action File No. 2022-cv-02608 (the “State Court Action”). A true and correct copy of Plaintiff’s Complaint is attached as **Exhibit A**.

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<sup>1</sup> Though Plaintiff has named “Witron, LLC” as a Defendant in this action, the proper name for this entity is “WIOSS Atlanta LP.”

2. In her Complaint, Plaintiff purports to assert claims seeking relief for alleged violations of Title VII of the Civil Rights Act of 1964, as amended, (“Title VII”). Specifically, Plaintiff states her purported Title VII claim for “wrongful termination/retaliation . . . stems from the company retaliating against me filing a sexual harassment complaint on a coworker/friend.”

3. Plaintiff also filed a Charge of Discrimination (the “Charge”) with the Equal Employment Opportunity Commission in which she alleged violations of Title VII. The EEOC purportedly issued Plaintiff a Dismissal and Notice of Rights on August 30, 2022, which gives Plaintiff 90 days from receipt to file a lawsuit (e.g., on or about November 28, 2022). A true and correct copy of the Charge and Notice of Right to Sue for Charge No. 410-2022-01806 is attached as **Exhibit B**.

4. 28 U.S.C. § 1446(b)(1) provides that a notice of removal “shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief . . . .” See 28 U.S.C. § 1446(b)(1).

5. Plaintiff served Witron with the Summons and Complaint on November 28, 2022. Thus, Witron is timely filing this Notice of Removal within 30 days after receipt by Witron of Plaintiff’s Complaint on November 28, 2022. A true

and correct copy of the Summons received by counsel for Witron on November 28, 2022, is attached as **Exhibit C**.

6. In her Complaint, Plaintiff purports to assert a claim of retaliation in violation of Title VII, a federal statute, 42 U.S.C. §2000e et seq. (Ex. A, Complaint).

7. Therefore, this Court has original jurisdiction over Plaintiff's claims of sexual harassment and retaliation under Title VII by virtue of federal question jurisdiction under 28 U.S.C. § 1331. Accordingly, this action is properly removable to federal court pursuant to 28 U.S.C. § 1441.

8. Venue is proper under 28 U.S.C. § 1441(a) because the state court in which this action is pending is located in this District, and the Atlanta Division is the proper Division as this action originally was filed in Clayton County, GA. 28 U.S.C. § 94(b)(1).

9. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by copies of all process, pleadings, and orders filed in the State Court Action to date, including the Summons, Complaint, and a copy of the docket sheet from the State Court Action. *See Exhibit A*. No other items have been filed in the State Court Action or served upon Defendant.

10. Defendant files this Notice without waiving any defenses to Plaintiff's claims or conceding that Plaintiff has stated claims upon which relief can be granted.

11. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal promptly shall be filed with the Clerk of the State Court of Clayton County and served upon all parties. *See Exhibit D.*

WHEREFORE, Defendant notifies this Court of the removal of this action from the State Court of Clayton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

Dated: December 23, 2022

/s/ Bradley Strawn

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Witron, LLC

**CERTIFICATE OF SERVICE**

I hereby certify on this 23rd day of December, 2022, the foregoing was filed electronically through the ECF system, is available for viewing and downloading from the ECF system and will be sent electronically to the registered participants identified on the Notice of Electronic Filings, including Plaintiff's counsel of record.

I hereby certify that I have mailed by United States Postal Service first-class mail, postage prepaid, the document to the following non-CM/ECF participants:

Brandy S. Hughley  
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*Pro Se Plaintiff*

/s/ Bradley Strawn

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